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THE OPINION



Feb. 23, 1983

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

Vol. 23:9



Photo by E. Pfeffer

Jessup competitors Mary Ellen Berger and Kurt Amend.

UB Team To Travel To Pittsburgh For Jessup Moot Court Tourney

by Mike Reilly

On March 5 and 6, four students from U/B Law will be competing in the 1983 Jessup Moot Court Competition in Pittsburgh, Pennsylvania. The team includes Kurt Amend, Mary Ellen Berger, Jeff Johnson, and Chrys Vergos. The Jessup Competition involves questions of international law and requires teams of students from each com-

peting law school to research, draft, and orally defend memorials responsive to the issues posed in a common hypothetical problem, or compromise.

This year's problem involves a landlocked country, Belterre, and its right of access through the neighboring country of Richmond. Belterre's right of access is guaranteed by a treaty with Richmond, but the treaty is revoked due to a threatened infestation of "dreadfly" caused by the transport of Belterre's citrus fruit through Richmond. Finally, there is a round of economic sanctions which are taken by each country against the other. The issues presented include treaty law and interpretation, the blocking of assets, economic self-help, and the extraterritorial effects of state action. Mary Ellen and Chrys will be representing the state of Belterre (Respondent), and Kurt and Jeff will represent Richmond (Applicant).

U/B's team will argue twice as Applicant and twice as Respondent against four different teams. The scores from the briefs and the oral arguments will be combined to determine the winner of these contests for the East Central Region of the National Division Jessup. The other schools competing in Pittsburgh and representing the East Central Region include: Case Western University, Villanova University, University of Pennsylvania, Temple University, Wayne State (MI) University, Detroit College of Law, University of Pittsburgh, Duquesne University, University of Michigan, and Cleveland Marshall.

Duquesne is hosting this year's regional rounds and will be one of U/B's opponents. According to Jeff, "It will be fun rehashing the Bills-Steelers game with the Duquesne team before the round."

Over 120 U.S. schools and 50

law schools from 25 other countries have entered teams in this year's Jessup Competition. The winners of the regional competitions within the U.S. will go to Washington, D.C. on April 11-13 for the semi-final round, and the final round will be held there also on April 14.

U/B this year is represented by a team which is not only interested in international law, but which also has a good deal of international experience. Kurt Amend spent one year in Germany while growing up and later studied German in high school. At Lawrence University (Wisconsin), he learned Russian and received a B.A. in Government and Slavic languages, writing his thesis on Soviet policymaking. During college, Kurt spent 15 weeks of one summer travelling throughout Europe, including a 5-week tour of the Soviet Union.

Kurt will be arguing the treaty issue for Richmond. After graduation he would like to pursue a career in corporate or commercial law, involving himself in international trade. As for going to Pittsburgh, Kurt said his only regret is that "the opening day for the Pirates is still two months away."

Jeff Johnson did his undergraduate work at the University of Colorado at Boulder, where he studied history. He spent his junior year studying abroad; in 1979 he travelled to Lancaster, England to study history and literature at Lancaster University. In the Competition, Jeff will be representing Richmond on the issue of blocking assets. He is currently studying Russian and is interested in a career in international business. He said he felt bad about not participating in this year's Law Revue, which is scheduled for the same

continued on page 4.

Law Business Is Touted

So you want to "fly solo" in the practice of law? February 10, noted Buffalo attorney John Condon of Condon, LaTona and Klingensmith offered students some down-to-earth advice on dealing with clients and receiving sufficient remuneration for their efforts.

Condon was the first speaker in a series of presentations sponsored by the Law School Career Development Office and the Erie County Bar Association. For the next five Thursdays, the practical problems in obtaining and managing a successful law practice will be discussed by local attorneys at one o'clock in Room 108. Future lectures will focus on systems, fee-setting and collecting, time management, equipment and building a law library.

In introductory remarks, Michael Brown of the Erie County Bar Association Law Office Management Committee indicated that the greatest barrier to a successful practice may not concern the lawyer's ability as a practitioner, but the difficulty in handling administrative details. A flexible attitude is needed in order to run a successful practice.

Condon stressed the need for flexibility in pointing out that the rule of thumb in client relationships is not to have any rules. Procedures may be varied in order to accommodate a certain client or situation. What works for one attorney may not be appropriate for his or her colleague, he said.

According to Condon, the crucial, yet frequently overlooked proposition is that it is the client that is the lifeblood of any successful practice. A happy client is the best advertisement a firm can have. All too often the practitioner may forget how big an "event" going to see the lawyer may be for an individual. A successful lawyer remembers that he or she is a professional, and acts accordingly. When meeting a client, this translates down to presenting a well-organized at-

mosphere, and creating an environment where the client feels relaxed and the attorney can get to know the human being — not just the legal problem.

Attorney-client communication was also stressed by Condon. The attorney should inform the client as to every event in the case, and why certain actions are being taken. It is the lawyer's job to make his or her advice clear to the client — to create a "mutuality of understanding." The lawyer must actively work to relieve the fear or tension a client may be experiencing in connection with the case. This may entail explaining the media, advising the client as to his or her appearance, and even showing the courtroom to the client before the trial. The speaker suggested that a lawyer knows that he or she is in trouble when a client feels compelled to telephone the lawyer to inquire as to the progress of the case.

The distinct roles of at-

torney and client must be presented to the client. The attorney should explain the risks involved in certain actions. Both the lawyer and the client have certain "veto" powers. The greatest mistake a lawyer can make is to allow his or herself to be used as a "prop" when the client plans the strategy of the case.

Finally, Condon approached the "sticky" subject of fees. There are a variety of ways to set fees — on a contingency, percentage, or hourly rate, or value basis. Again, it is important not to have a set rule; however, it is always important to fully explain the bill to the client. Satisfying the client, and giving him/her his/her money's worth does not necessarily entail undercutting fees. If there is a dispute, it's best to submit the problem to ABA arbitration.

By avoiding routine and emphasizing discussion with the client, the attorney can generate a successful and respected practice.

1st-Year Curriculum

by Lisa Kandel

With little discussion and even less debate, the Academic Policy and Program Committee approved Schlegel's recommended program for U/B Law's next entering class, according to student member Rick Roberts.

A number of changes were made — most notably, the reinstitution of the four-course load (not including Research and Writing).

To achieve course integration, still seen as the administration's primary goal, a bi-weekly non-credit discussion class was proposed. During each such class, a professor teaching in the section would examine a single topic that cuts across several fields. In this way, it is hoped that students will appreciate the interrelationship of subjects within the legal profession.

Two new courses have been added to next year's curriculum for Section Three. Natural Resources Administration and Regulation and Comparative Constitutional Law will be taught by Errol Meidinger and Guyora Binder, respectively.

Also, next year's first year class will have only one Law in Context class in contrast to the two currently being taken this year.

The Academic Policy and Program Committee is composed of Schlegel, Dean Headrick, Professors Berger, Kaplan, Katz, Meidinger, and Miller and students Sandra Blitz, Sue Kozinn, Scott Nadel, and Rick Roberts.

Editor's note: THE OPINION welcomes letters from first-year students regarding their present curriculum.

Taxing Competition



Photo by E. Pfeffer

Ben Zuffranieri and Wayne Gradl are prepared for foes of all kinds in next week's Mugel Tax Moot Court Competition here at U/B.

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Editorial

Last fall, 20 million Americans had the opportunity to register their opinions on a nuclear freeze in the most extensive referendum in U.S. history. In 28 of the 30 localities in which a vote was held, a freeze was favored and 58% of those voting supported the halt of nuclear proliferation.

In the wake of this electoral showing and massive organizing, which resulted in freeze petitions signed by 2.3 million people and a June demonstration in New York City attended by almost one million people, a freeze resolution was introduced in the House of Representatives. It lost by a mere 2 votes, 204 to 202. The November elections are believed to have added 30 new proponents of some sort of freeze initiative.

Despite the massive display of public support for the freeze and the apparent support it has in the House, true substantive change in our country's nuclear policy is not on the horizon. While the MX missile may have received a fatal blow in last month's funding rejection, plans to produce Pershing II missiles, B-1 bombers, stealth bombers, Trident II missiles, neutron bombs, and Cruise missiles plunge ahead.

Moreover, appropriations bills which severely reduce military spending have been soundly defeated and the administration is on a public relations campaign to link the peace movement with soviet subversion. In a recent *New York Times Magazine* article, Defense Secretary Weinberger said that the Soviet Union represents a danger greater than did Nazi Germany.

The Opinion believes that it is critically important that we discuss and debate the issue of rearmament versus disarmament, instead of relying on the likes of *Time Magazine* to establish the contours and limits of the debate for us.

We have decided to publish a special issue of *The Opinion* this April devoted entirely to the question of military spending, with a special emphasis on nuclear war.

We are announcing the publication of this special issue now because we want people of all viewpoints to take an active part in its creation. We want pro-military positions to be expressed, as well as the anti-nuclear and pro-freeze positions. Only out of free debate of the issues can people make informed decisions about U.S. policy. We do not believe the bulk of American publications offers the range of viewpoints and open discussion which we are contemplating.

Please submit letters, articles, or clippings on any issue related to the military and the arms race which you would like published in the planned special edition. Any material pertaining to international and domestic law will be especially newsworthy, but the publication will not be limited to legal discussions.

Please give serious thought to contributing to this issue, and ask anyone you know, in the University or outside it, to contribute as well.

President's Corner

More Fees and Cutbacks?



by Jill Paperno

I'm sure that you've all heard rumors of the tuition increases expected for next year. According to Doctor Sample, the State Department of Budget has included a \$250.00 increase for State University students. This increase will not, however, affect personnel cuts anticipated throughout the SUNY system. In order to reduce the number of expected employee layoffs an additional \$250.00 increase per student has been considered by SUNY Presidents. Other possibilities being discussed by the University Presidents have been elimination of one of the SUNY campuses, or elimination of departments deemed less necessary. Dr. Sample noted that cuts have been made in all State agencies, with the exception of police and prisons. Protest has begun against the tuition hike. A let-

ter writing campaign is likely to follow. I'll try to keep you informed of the situation.

Another issue involving increases in student costs was partially settled last week. The Student Union referendum, which proposed a student funded union, was soundly defeated. According to the ballot counters there were 1782 votes in favor of a student-funded union and 3529 opposed to such a union. Of the 3529 Nays, over 1500 were ballots which were marked with a Circled X. The Circled X was intended to note that despite an objection to student funding of the union, the voter supported construction of a student union. I met last week with other student government presidents to discuss future plans for a union. These plans would supplement the student activity building already under construction. Options suggested included reallocating space in the building already under construction (possibly removing the bowling alleys, for example); reallocating space in an academic building, and using it for offices and lounges; and redesigning Capen, Norton and Talbert as a Student Union. Plans for Main Street Campus are also being

discussed. The Student Bar Association has voted to assist in paying for a law school basketball team to compete in Western New England School of Law's annual basketball tournament. We wish them luck. Others interested in athletic competition should submit their volleyball rosters to Mailbox No. 661. All rosters should include at least three men and three women, with at least ten members required for each team. Also in the sports department, twenty-three students signed up for the ski-trip. If you have questions about that see Brian Collins.

I would like to congratulate Distinguished Visitors Forum on its success in getting attorney Charles Garry as its Spring semester speaker. More information on the speaker to follow. Other committees, such as the Placement Committee, also have Spring events planned. For more information, see your S.B.A. representatives.

Finally, if your S.B.A. funded organization has not submitted an article to *The Opinion* by this issue, please make sure to write for the next *Opinion*. This is required by By-law 13 to receive funding.

Letter to the Editor

Gay Students Organizing

Dear Editor,

I am writing to *The Opinion* on behalf of the Gay Law Students Organization (GLSO) in order to inform the student body of our goals and our activities. GLSO was chartered last fall by SBA to serve three stated purposes: first, to encourage all gay law students to develop themselves as persons and as contributing members of the Law School community; second, to promote legal research on issues connected with gay rights; and third, to educate all interested non-gay persons at the Law School by providing information on legal and non-legal issues relevant to the gay community.

Gay people, as a minority, are in some ways different from other minorities. We are probably more invisible and more diffuse than any other minority group. The similarities, however, are important. In a society with a single set of social norms, where the individual is allowed few choices about personal development, there really are no minorities, only Normals, in their socially assigned roles, and Outcasts. When a group begins to develop a minority "consciousness" then that group builds alternative norms which make choices possible. I think the process for all minorities includes some of this redefinition and choice-making. All those who find inherent value in social diversity applaud these new explorations.

But many people find differences threatening. Bigotry means looking down on people or harassing them because they are different. These roadblocks in the way of diversity must be overcome; a freer society is ultimately a benefit to everyone, no matter how

strange some folks' idiosyncracies may seem to some people. Personal freedom in all aspects of life means less wasted potential. It offers the best possible protection against the totalitarianism that our society's rhetoric rejects.

Those of us currently involved in GLSO are out of the closet in different degrees. Scott Smith has found the experience of forming an organization to be very positive. He says he is glad to lose the reticence that he felt as a totally in-the-closet law student. I, personally, have been active in the gay movement in the past. My resume (and my law school applications) include my gay community activities. Others of us want to remain more anonymous. Though law is a conservative profession, it is not in the dark ages. The point is, you do not have to spend your whole law school career in strict secrecy.

Stereotypes are lies which can be shattered only by being out in the open. We have a right to be who we are. Through communication and growing understanding of ourselves, we can become able to be non-conforming (in a public or private way) with respect to norms. But, beyond this political statement, there is something very important that we as gay people can do for each other. And that is, to become involved in networking. Networking means everything from making one friend, to feeling part of a group, to being part of an "old-gay" network. Networking provides the current benefit of friendships which can support us in developing our academic and professional potential, and the future benefit of contacts which may help career-wise.

Last semester GLSO co-sponsored the Tuesday Night Events program with U/B's Gay and Lesbian Alliance. Included in the series were a showing of the movie *Word is Out*, a presentation by the Buffalo Women's Oral History Project on lesbianism in Buffalo in the 30's, 40's, and 50's, a games night, and discussion meetings. An all-SUNY gay conference held in Oneonta was attended by Scott Smith as GLSO's representative. Workshops were held at the conference, including "Legal Rights of Gays and Lesbians" and "Gay Men and the Feminist Movement." GLSO also sponsored the talk by local attorney William Gardner on "Constitutional Law and Gay Rights."

Plans for the Spring semester include a lecture/discussion event with a reception following. This event is tentatively planned for April and a speaker of national reputation is being sought. We also plan to get underway in compiling historical and current materials on gay legal issues.

Our office is in room 118 (across from the purple pit) which we share with the National Lawyers' Guild and other Law School organizations. The phone for all organizations in the office is 636-2161. The GLSO desk will be staffed Tuesday, Wednesday, and Thursday from 3:30 to 5:30 p.m. All gay men and lesbians, as well as others interested in the issues connected with gay rights, are encouraged to stop in and visit us. That's why we are there. A calendar of informal discussions and social events will develop as the semester progresses and will be posted in the office.

Elaine A. Smith for the Gay Law Students Organization



Announcements

Law Review

The *Buffalo Law Review* wishes to announce a general meeting for all first year students interested in participating in the Spring Casenote Competition. The meeting will be held on Wednesday, March 9 at 3:30 pm in Room 106. In addition to discussing details of the Casenote Competition, members will also briefly discuss the functions of the *Law Review* and the duties of its members. All first year students are encouraged to attend.

The *Buffalo Law Review* is a professional journal published three times a year by students of the Law School. Its purpose is to select and publish significant student and professional contributions to legal literature. All candidates must submit a casenote to be considered for *Law Review* membership.

ILS

It is possible to supplement our law school's diverse curriculum and receive credit while studying torts in Paris, international finance in Tokyo, international public law in Tel Aviv or human rights in Warsaw or Moscow.

The U/B International Law Society will present its first

symposium for international study at 1 p.m. on Thursday, Feb. 24 in the first floor lounge. There will be representations of seventeen law schools' programs which offer legal study and employment in 30 foreign cities. Veterans of some of these programs will be in attendance to answer inquiries concerning their programs, living accommodations, the economy of train travel or even the appropriate sun screen for the Cote d'Azur. Refreshments will be served, but the Society will unfortunately be unable to serve its traditional refreshments, vodka and pickles.

SBA

Anyone interested in representing the Student Bar Association on House Council, a university committee, should contact Jill Paperno (Box No. 177) this week.

Any student interested in participating in the planning and design of student activity space should contact Jill Paperno (Box No. 177) this week.

AWLS

The first of three "career panel" presentations sponsored by the Association of Women Law Students will be held at 5:30 p.m., Feb. 24 in the fifth floor faculty lounge.

1. The first chapter meeting of the National Lawyers' Guild of this semester will be held on Friday, February 25, 1983 at 2 pm in the first floor lounge of O'Brian Hall. The following issues will be discussed:

- The Guild suit against the FBI
- First Annual Testimonial Dinner
- Research project concerning public control of Bethlehem Steel
- Up-coming films and speakers

All are invited to attend.

2. *The Politics of Law*, a "provocative and unsettling collection of critical essays by the most original legal thinkers of our day" (including essays by Professors Alan Freeman and Betty Mensch) are now available for sale at \$8.00 per copy in the Guild office (118 O'Brian).

3. The National Lawyers Guild will be sending a fact finding mission of six legal workers to various Guatemalan refugee camps in Mexico. The fact finding team will visit the camps in the late Spring 1983. Applications for the trip are available from the Bay Area Chapter of the NLG at the address below. Bilingual ability and familiarity with the situation in Central America is desirable. The duration of the mission will be between five days and a week. Approximate cost is between \$600-\$700. Each member of the mission will be responsible for in-

dividual fundraising. National Lawyers' Guild: San Francisco Bay Area Chapter, 558 Capp Street, San Francisco, Calif. 94110. ATTENTION: Central America Task Force.

4. On Thursday, February 24 at 2:30 pm, Dr. A.J. Wilson will speak on the ethnic conflict in Sri Lanka. Dr. Wilson is a leading constitutional law expert and is Chair of the political science department at the University of New Brunswick, Canada. He has been actively involved in the mediation of the ethnic conflict in Sri Lanka, and will be

addressing Professor Leary's seminar on International Human Rights in Room 212.

Room 118 O'Brian Hall now houses four law school organizations. Current office hours:

National Lawyers Guild
Tuesdays 10 am — 5 pm
Fridays 10 am — 4 pm

Gay Law Students' Association
Tuesday, Wednesday,
Thursday 3:30 pm — 5:30 pm

All groups can be reached at 636-2161.

NLG Policy

The Buffalo Chapter of the National Lawyers' Guild is comparatively young. In 1974, the country came to Buffalo to defend prisoners accused of participating in the 1971 Attica prison rebellion. In the process, a Guild chapter was formed. After the Attica trials ended, the chapter continued.

The Buffalo Guild strives to provide a forum where all members of the legal community can get to know one another and discuss political issues of importance to us. For those of us who are law students, the Guild provides an opportunity to do progressive work, as well as to address issues of tantamount importance to law, but not covered in the Buffalo Law School curriculum. Currently, our major focus is to provide speakers and films of interest to the legal community in Buffalo. We are investigating the possibility of beginning a variety of projects geared towards providing services and/or information to law students, lawyers and others within the community. We encourage input and welcome all suggestions. If you are interested in beginning a Guild project, or working with the Guild in any capacity, drop us a note in Room 118.

Cuban Immigrants in Constitutional Limbo

by David Allen Cass

In the Spring of 1980, President Carter responded to the cries of Cubans seeking political asylum at the Peruvian Embassy in Havana by proclaiming that he would welcome all "those fleeing communism" with "open arms." Fidel Castro, appreciating Mr. Carter's generosity, proceeded to open the port of Mariel for thousands to board boats in what became known as the "freedom flotilla." The boats eventually brought 127,000 Cubans to the shores of the United States.

Mr. Carter, not thinking that his proclamation would be interpreted literally, was quite stunned when he realized that Mr. Castro was not only sending "regular" Cubans to the United States, dissidents and those who had family here, but also those who had been

deemed hardened criminals. It seems that Mr. Castro had given an ultimatum to his prisoners: leave Cuba or be locked up forever. Most chose to leave.

Upon arriving to the United States, nearly all of the Cubans were ecstatic to be out of Mr. Castro's dictatorship, and were expeditiously processed and given over to either family members or sponsors. Some were taken to U.S. detention centers for processing.

While being processed by the immigration officials, it became evident to them that amongst the detainees existed some hardened criminals. Once it was determined who in fact was a criminal, or undesirable, the U.S. Immigration officials proceeded to lock them up. Of the 8,000 criminals that Mr. Castro persuaded to come to the United States, approximately 1,100 are still considered

"dangerous" and are being held in the Atlanta penitentiary.

Usually, in a situation where immigrants are considered "dangerous", the country that has taken the immigrants sends them back to the country that they migrated from. Mr. Castro has refused to take these or any Cubans back.

Mr. Roberto, a high ranking Immigration official has said that, "The Cubans are in a legal state of limbo. They have physically entered this country, but are classified as 'excludable aliens'. Legally, they do not exist."

The detained Cubans, expressing a sincere desire to be let out of the "foreign jail", have initiated what is apparently one of the largest class-action suits of this type in history. The suit argues that the U.S. government cannot hold Cubans in prison indefinitely and that, in effect,

even illegal immigrants of this sort have constitutional rights.

The official government response, as enunciated by Mr. Roberto, is that the Immigration officials have the authority to detain any and all immigrants whom the Attorney General believes are a danger to society. Under that response, some concede that technically the Cubans might not ever be let out of the prison. In effect then, the government is admitting to the fact that the Cubans are in this country physically but not legally, and that because of the immigrants' status, the U.S. government has the right to deny them all constitutional protections and guarantees.

As this class action suit begins its initial plunge into the District Court, the Cubans are being held at a cost of over eleven million dollars a year. Also, since they are classified as "excludable aliens" they are

not permitted to have such things as due process, free legal counsel, or a formal charging.

It is interesting to note that every six months each case is reviewed by a penal-type parole board the immigrant is still denied the services of a government paid attorney. Mr. Dale Schwartz, the Atlanta attorney who is representing the Cubans in this class action suit, maintains that under the present system, the Cubans are presumed guilty.

One might ask how those who are directly affected by the rules of our judicial system cannot even be considered people in the sense that they are denied the basic constitutional guarantees which we as Americans hold so precious. Fortunately for us, the courts will render a decision in what promises to be a highly publicized case in the next few months.

Reflections of a Man about to Die

Editor's note: Frye Gaillard is an editorial writer and columnist for the CHARLOTTE OBSERVER. This article is excerpted from his recent book RACE, ROCK AND RELIGION: PROFILES FROM A SOUTHERN JOURNALIST, published by East Woods Press.

by Frye Gaillard

Unless something changes, they're going to kill Bill Groseclose before very much longer. It'll go something like this: Some people he barely knows will lead him from his cell at the Tennessee State Prison. They'll strap him to a tall, wooden chair and attach some electrodes to his thighs. Already, they'll have shaved his head to keep his hair from catching fire. Then they'll push a switch, which will send maybe 2,500 volts of electricity through his body.

Nobody knows how bad it will hurt, since nobody has ever reported back after the experience. But if recent precedents hold true, several things are likely. Groseclose's flesh, particularly around his legs, will begin to burn. His fists will clench involuntarily, and his hands will probably blacken. He might not die right away. If he doesn't, they'll repeat the dosage as many times as it takes.

The people who do this will have very good reasons. They will know some of the details of Groseclose's history. They will know that he was arrested in 1977 after his wife was discovered in the trunk of a car. They will know that she

was stabbed and raped and beaten, and they may also know that she did not die from those things. She cooked — probably over a period of several days — beneath the July sun in the river town of Memphis.

They will know these things, and they will feel that they are doing what they should — for theirs will be an awesome duty. But there are also things that they will not consider. Harmon Wray will consider them, and Abel Adams, but they will not be able to convince the people in authority. They will believe Bill Groseclose is innocent — that he is not vicious and cruel, and that he could never have done the things that the State says he did.

But they will not dwell on that point, for they are Christian ministers, and their interest is in redemption. So they will talk instead about Groseclose's life: his correspondence studies at a small Bible college, his ordination as a Church of God minister only a short time after his conviction for murder. They will try to tell the Governor, who will not want to listen, about their conversations with Groseclose over five years.

They will use such words as kindness, faith, and humor, and they will speak of his desperate consolation in the writings of St. Paul. But they will certainly fail, for their words will have the soft and simple ring of sentimentality — and others in their grief will

cry out for revenge and time will pass slowly until his waiting will end.

Groseclose enters the room with a bounce to his step, clad in jeans, a T-shirt, and a faded denim jacket; the numbers 83408 are stitched on the back. He is thirty-four years old, though he looks much younger. He wears wire-rimmed glasses and his hair and beard are scraggly. But the thing you notice most, and the thing that stays with you, is the lopsided grin.

Ask him a question or two, and his thoughts flow freely, the feelings tumbling out with punctuations of laughter, moving inexorably from the light to the heavy. This is what he says:

Man, it's cold in here — just about back up to the shivering point. We got a leak back there, and water comes pouring into the cell behind the commode. Then it freezes on the wall in this thin layer of ice that you can't really see.

So you're standing there in front of the john, and you've already started, and you lean against the wall, and zap, you're sliding all over the place, and the stream's going crazy, and you're laughing like a madman, and then you say to yourself, "Man, how weird can things get?"

It's hard sometimes, but everybody tries to keep each other up. It's just something everybody seems to do. If someone is down and he likes something on TV, someone will say something about that show. If that doesn't work, you're

quiet for a half hour, then you try another subject. If that fails, you straight out ask, "Hey man, what's happenin'?"

Always, always, you look for humor. The hatred is there, it's a constant; you don't have to look for the hatred. But you do look for the way to laugh and often enough we find it. We have a good sense of community.

Down the row there's Richard Austin; he plays cards — plays cards and gambles. He'll take bets on anything — football, baseball, basketball, how many bullets they'll shoot on "Bonanza." He took fifth in the world billiard championships one time, but he hardly ever discusses playing pool. He keeps pretty much to himself. Got a bad heart.

Ole Richard, he's short and fat; he's balding and got this mustache. But he don't like to think of himself as fat. He'll say, "I am muscular..." He's OK.

I don't have one best friend. Everybody is pretty close. It's who are you hanging out with this week? I sat back there all day a while back and played chess with Houston — that's Richard Houston in the cell next to mine. It was one good, full, hard day of chess. It'll be a while before I do that again.

Houston is black. He's well-educated, very smart, a pretty handsome dude. We been next-door neighbors for three years. One time — I forget what we was mad about — I cut out this cross out of an envelope, you know, then I licked it and stuck it to his door and set it on fire. So he cut himself out a cross, and for the next little while, he worked at it with a burned match, rubbing the carbon on the cross until the whole thing was black. Then he stuck it on my door.

Well, I couldn't let it drop at that point. So the next day, I painted a watermelon and stuck it on his door and burned it. Some of what we find to laugh about is pretty weird. But any time you can give somebody an excuse to laugh, you do it.

We don't start stirring till about 10 or 11 — usually about the noon meal. Everybody just says no to breakfast. The dinner today was... well, how can I say it? Only one guy took anything. I've fed a lot of dogs a lot of things. But none of them were that bad.

The problem is time. Sometimes you don't know if you want it to pass, or you don't want it to pass. But it hangs pretty heavy sometimes. You'll do anything to fill it up. Jeff Dix down there, he placed third in the cockroach race. Jeff's a soap-opera freak. We call him Swamp Monster. He's about 6-foot-2 and weighs 260 pounds. And a nose — man, Jimmy Durante would have to hide. This guy has a beak.

Jeff is a nonviolent, violent person. He has weird ways of expressing himself. Course he says the same thing about me, but one time he put a TV set through the bars of his cell with one blow — plastic and tubes and crap all over the place. I just kept on with what I was doin', trying to be nonchalant, don't you know.

We don't want any trouble back here on the row. We've got all we can use. So we do what we can to help each other out, to keep each other's spirits boosted. We've got one back there who can't read and write. We're teachin' him. Whenever he gets a letter, we go over it with him. He reads the letter, then somebody else will read it, and they'll say, "OK, what did it

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Jessup. . . .

continued from page 1

weekend, but he took heart when he realized that "there would be enough bizarre acts without him."

Mary Ellen Berger is a native of Washington, D.C. and did her undergraduate work at Georgetown, where she studied international politics. Mary Ellen has also travelled in Europe, as she has backpacked through France, Holland, Italy and Greece. She said her interest in international law was reinforced when she attended the Colloquium on Human Rights at U/B last year. She said she thinks that the quest for international human rights will be one of the most critical issues we will have to face in the next few years.

At the Pittsburgh regionals, Mary Ellen will be representing the "natural" rights of landlocked Belterre. After graduation, she would like to continue her work in international law, possibly for the federal government.

Chrys Vergos is a native Buffalonian who studied international law and foreign policy as an undergraduate at U/B. She travelled to Greece as an undergraduate and also spent last summer there. For Chrys, these trips have been especially meaningful, as they have

given her the opportunity to see the country where her parents came from and to visit family members who still live there. This summer, Chrys plans to travel to Strasbourg, France, where she will take part in a six-week program of study on the topic of international human rights.

Chrys says she would like to pursue a career in international law particularly because she finds it to be a newer and more challenging area of law than some other, more rigid and formal ones. She finds that international law exposes one not only to other countries but to their cultures and people as well. She commented that "the preparation for the Jessup has been very time-consuming and exhausting," but added that "it has also been a very worthwhile learning experience."

The Association of Student International Law Societies sponsors the annual Jessup Competition. The Association, founded in 1960, now includes 127 chapters in the United States. Locally, the U/B International Law Society sponsors the Competition. The ILS distributes the problem, selects the team and helps the members prepare for the oral Competition. The members of ILS wish the U/B team good luck in Pittsburgh!

Two New Bands Revive Buffalo Music Scene

by Jud Weiksnar

The start of this semester marked the return of two dominant forces to the Buffalo music scene: Pauline Digati, now singing with the Throbs, and the Elements. If you went to the debut concert of the Throbs at the Continental expecting them to be another Pauline and the Perils, you were bound to be disappointed. To make comparisons between the two bands would be unfair. Pauline has remained a constant, with her give-it-all-you-got style and undeniable stage presence.

The Throbs, composed of two guitars, bass, and drums, put a lot of energy into their music and do some nice work on harmonies. However, Pauline's talents seem squandered in a band that limits itself to a straightforward, one-dimensional, 60's type rock and roll.

Despite an occasional exhortation from the band to dance, the audience for the most part either left or just stood there. I didn't stay for the end of the second set; if they couldn't get people throbbing by then, I figured they never would.

There's always hope, though. I wasn't that impressed the first time I saw the Elements either. However, that was probably due to the fact that I didn't understand their music. While the Elements have only three members to the Throbs' five, their music is truly 3-dimensional. Not only that, but it's original, inspired, and danceable.

The Elements emerged from their inert state at the Continental with new drummer Mike Brydalski replacing Jerry Augustyniak. Although not all the new material was down pat, the Elements may have

never put on two more convincing sets. As always they did almost exclusively their own compositions, save an occasional cover such as their New Wave remake of Bobby Goldsboro's "Elusive Butterfly of Love." The Elements had the audience, which included both their loyal following and many first-timers, dancing in a hurry. The band needed little coaxing to come back for an encore — in fact, they never left the stage. After six more, they had the exhausted but seemingly insatiable dancers torn between screaming for

more and begging for mercy.

It's rumored that in addition to bass, guitar, drums and voice, a new element — keyboard — may be added to the periodic table of dance rock. While that would increase the number of possible musical compounds, it could also throw off the natural balance between the present elements that is currently producing the best sound of any 3-piece band around. It's hard to see how tampering with their present formula could do anything but dilute their power.

Phone Rate Subsidies Slashed

Editor's note: Robert Jacobson is a communications consultant to the California Legislature. The views expressed are his own and not necessarily those of the Legislature. The article first appeared in THE NATION, Jan. 29, 1983.

by Robert Jacobson

For half a century, the Federal Communications Commission has set long-distance telephone rates high enough to subsidize local service. The principle is more democratic than many regulatory formulas: as the heaviest users of long-distance lines, big corporations bear the brunt of the subsidy and, in effect, defray the cost of local calls made by small businesses and individuals. And the system has enabled nearly 91 percent of all households to afford telephones. Now, in the name of competition and deregulation, the F.C.C. has removed the corporate subsidy, and the result will be to "de-phone" millions of households.

The Communications Act of 1934 was supposed "to make available, so far as possible, to all the people of the United States a rapid, efficient, nation-wide, and worldwide wire and radio communication service with adequate facilities at reasonable charges." The "reasonable charges" proviso was implemented by the long-distance subsidy on the theory that corporate users derive disproportionate commercial value from telephone service.

Now the masters of deregulation at Reagan's F.C.C. have made competition in the communications industry a higher priority than universal service. The F.C.C. says this will encourage the development of cheaper technologies for high-volume users. And the Commission intends to place the burden of financing this innovation on the backs of every-day consumers.

Beginning in 1984, every telephone customer — even if he or she makes no long-distance calls — will be billed a hefty monthly charge, rising each year, to replace the subsidy built into long-distance rates. The cost of long-distance calls will fall accordingly, making it possible for A.T.&T. and its long-distance competitors to serve more cheaply the corporate market. "Lifeline" rates for the poor and handicapped

may disappear. (In deference to Republican farm interests, however, the F.C.C. will create a "universal service pool" for the temporary and partial subsidization of telephone calls in rural areas.)

The lower long-distance rates probably will not deter large corporations from going completely "off the local network" by setting up their own private telecommunications networks. Should that happen, local telephone companies, already deprived of A.T.&T.'s support by the Reagan Administration's antitrust settlement, will see their revenues further diminished, forcing up rates for the vast majority of Americans who cannot afford customized alternatives to conventional telephone service. What's more, the Office of Management and Budget is writing legislation that would pre-empt state regulators and prevent them from mitigating the worst consequences of the F.C.C. action.

The Commission estimates — using highly debatable statistics — that fewer than 1 percent of all users will be unable to afford telephone service when the new charges are imposed. But as Sam Simon of the Telecommunications Research and Action Center points out, even 1 percent of the 80 million households with telephones means a considerable number of people losing service. And A.T.&T.'s own projections, made in 1981 when it was fighting the Justice Department's antitrust suit, show "drop-off" rates of between 15 and 70 percent as telephone charges escalate. Naturally, the poor will be the first to drop off, and out of, the telephone community.

The communications industry has successfully blocked every recent Congressional attempt to reform the Communications Act in order to mandate subsidizing regulations. Although Representative Timothy Wirth, chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance, has pledged to rein in the F.C.C., Congress has so far failed to act, and it may already be too late.

Before the Communications Act was passed, fewer than one in three Americans had access to a telephone. Now the F.C.C., catering to corporate

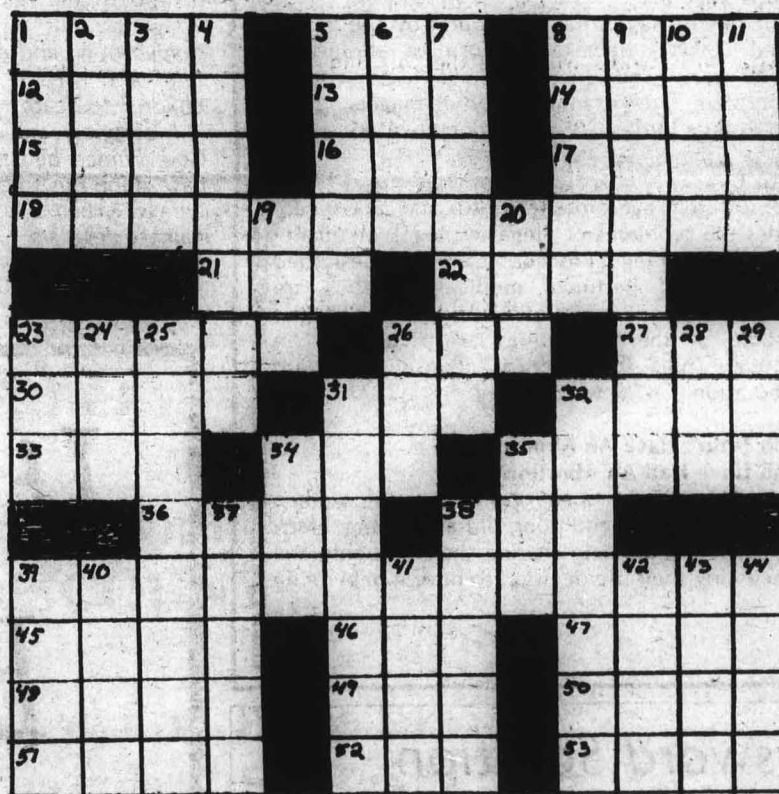
users of telecommunications, is moving away from its goal of universal service. In the name of deregulation, the commission is effectively "transferring" economic power from the poor to the rich — just as surely as Congress redistributed wealth upward with the Reagan tax program. In the name of competition, the government is dividing the nation into those who can shout and those who are silenced by the monthly phone bills.

Why a Duck?



— Photo by Frank Bolz

Crossword by Glenn Frank



Solution on p. 6

CROSSWORD CLUES

ACROSS

1. R.B.I., for example
5. Bosses (abbr.)
8. Dear _____
12. With rival and way
13. Rodent
14. This is one
15. Bannister's Distance
16. _____, Amas, Amat
17. Came down
18. A state
21. Fish Eggs
22. Guise
23. Prepare again
26. Harden
27. Get _____
30. To _____
31. Knight or Turner
32. _____ dream
33. Buddy
34. Pronoun
35. Armed Band

DOWN

36. Destiny
38. _____ Pot
39. A state
45. "As strong _____ weak as you like"
46. Paddles
47. Legally insignificant
48. Title
49. Grain
50. Greek Letter
51. Assist
52. Compus pt.
53. Congest

8. Ascend
9. A state
10. Destruction
11. _____ pick
19. Fervent
20. Petroleum
23. Hit
24. Greek Letter
25. Identical
26. Command to an ox
28. _____ and downs
29. Ball peg
31. Rotten to _____
32. Contentious
34. Depot (abbr.)
35. Elec. charge
37. Property
38. Strained food
39. _____ Lisa
40. Iraqi
41. Grasses
42. Implement
43. En _____
44. Horse

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Women Attorneys: Career Panel One

Rose Sconiers, Legal Aid
Beaufort Wilbern, Legal Services for the Elderly
Shelley Mayer, State Attorney General's Office

February 24, 1983, 5:30 P.M.
Room 545 — Faculty Lounge

Panel Discussion and Question/Answer

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Coming Soon:

Women Faculty: Career Panel Two
Women Attorneys: Career Panel Three

March 10
March 24

Boys and Girls Together It Happens to Us (30 min.)

Women Who Didn't Have An Abortion (28 min.)
Women Who Have Had An Abortion (28 min.)

Thursday, February 24

1:00 p.m., Room 107
7:00 p.m., Room 106

Boys and Girls Together

One out of five teenagers has intercourse by age 14 and an estimated 600,000 babies are born to adolescent mothers each year. The questions and facts of this epidemic problem are examined by teenagers, their families and experts in this CBS video documentary.

It Happens to Us

Women of different ages, marital status and race reveal in their stories the problems of illegal vs. legal, medically safe abortion. The four legal procedures are fully described by a physician, and pertinent medical statistics are presented. "A jolting indictment of the furtive illegality of abortion, some of the testimonies are shattering... a strong, confident plea for practical counseling toward legalized abortion." — *New York Times*

Women Who Didn't Have An Abortion Women Who Have Had An Abortion

These films provide, in an open forum discussion, women from all walks of life, rich and poor, old and young, black and white, married and single sharing their thoughts and feelings concerning their life decision to have a baby or an abortion.

Crossword Solution

S	T	A	T		G	M	S		S	I	R	S
A	R	C	H		R	A	T		C	L	U	E
M	I	L	E		A	M	O		A	L	I	T
S	O	U	T	H	C	A	R	O	L	I	N	A
				R	O	E		M	I	E	N	
R	E	S	E	T		G	E	L		O	U	T
A	T	E	E		T	E	D		P	I	P	E
P	A	L		S	H	E		P	O	S	S	E
			F	A	T	E		P	O	L		
M	A	S	S	A	C	H	U	S	E	T	T	S
O	R	A	S		O	A	R		M	O	O	T
N	A	M	E		R	Y	E		I	O	T	A
A	B	E	T		E	S	E		C	L	O	G

Reflections from Death Row

continued from page 4

say?" He spits it back out. If he can't, we go over it with him.

Mostly, though, we just sit and watch the world go by. I've been behind bars five years. I was arrested July 11, 1977. I made it here in April 1978 — April Fool's Day. At first, it ate at me — especially with the situation as crazy as it is. But then you say, "What am I going to do about it? Am I going to scream or cry the rest of my life? What is going to come of it?"

So you have to learn to live with it. You have to get rid of the superfluous, and you have to keep control of your mind. I have lost control a time or two. Of my mind, yes, and of my emotions. But I've been fortunate not to lose both at the same time.

Still, you think about things. Like sometimes I think about Vietnam. I was there in the Navy, and the things that happened, man... I mean the thing you ask yourself about Vietnam is, Why? You answer that a million times, and then you turn around and disregard the answer and say, Why?

One time when I was over there, I came upon this torture scene. I was driving a supply truck, and I came to a hut where this Vietnamese peasant had been castrated and tied to a tree. They stuck his penis in his mouth and sutured it shut. They had cut his wife's abdomen open and pulled out a fetus and used it to beat her children to death.

I stopped and said, "My God, human beings could not have done this to other human beings." Then I saw five Vietnamese regulars running up a hill behind the hut; they were

giggling. I pulled my pistol and emptied it in their direction. I saw three go down. I said, "Did I, or didn't I?" Over the years, I had time to think. I asked myself, "Do I have so little control over my emotions I would shoot at somebody in a moment like that?"

I got more serious about religion in Vietnam. Death is so imminent, you can't really help it.

We also talk about it a lot on the row. About everybody back there is antireligious. I don't mean by that there aren't any believers. In fact, I don't think there are any nonbelievers. There's some that say, "No, I don't." But when the believers are having their conversations, there's always close attentiveness among the nonbelievers. They are the ones that keep the conversation alive. Opinions back there are straight from the heart and cold as ice.

The guys would see these ministers on TV with all their fallacies. Jerry Falwell is our pet. Oh, we love him. They're building some crap, and he's wanting me to send him \$50 for one memorial brick, and for \$500 he'll put gold on it or something. Or look at Oral Roberts with his multi-million-dollar prayer tower. How many hungry kids could you feed for that?

But to err is human.

I've tried to put across the idea of Christianity versus religion, and I think the general feeling back there is that religion is of man; it stinks. Christianity is of God; it's all right.

A lot of guys have said, "If I was on the streets, more likely than not, I'd be just like 'em."

But in here, it's a peculiar situation. In my case, it has strengthened my faith. I have not been confronted and bothered with the pressures of the outside world — with prices going up, or how am I going to make more money? I can devote more time to being still and listening.

I read the Bible a lot — underline verses and think about their meaning. Romans 8:18 is my favorite, but you can keep going from there. Ol' Paul could write: "I consider that what we suffer at this present time cannot be compared at all with the glory that is going to be revealed to us. For we know that up to the present time all of creation groans with pain, like the pain of childbirth."

"But it is not just creation alone which groans; we who have the Spirit as the first of God's gifts also groan within us for God to make us his sons and set our whole being free."

"If God is for us, who can be against us? ... Who will accuse God's chosen people? God himself declares them not guilty. Who, then, will condemn them? Who, then, can separate us from the love of Christ? Can trouble do it, or hardship or persecution or hunger or poverty or danger of death? ...

"No, in these things we have complete victory through he who loved us. For I am certain that nothing can ever separate us from his love; neither death nor life, neither angels nor other heavenly rulers or powers, neither the present nor the future, neither world above nor the world below — there is nothing in all creation that will ever be able to separate us from the love of God which is ours through Christ Jesus our Lord."

That's some pretty heavy stuff, and I think about it sometimes, and then I just listen.

There's a difference, I've discovered, between wants and needs. I think I know that now. If I get out some day, there's a lot I'm looking forward to. But in or out, it's God's will that matters.

It's A Boy

Congratulations Barbra

from the Opinion

Q + + - * * ?

All this worry about grades I mean, what's all the fuss? We all know a Q minus is as good as a plus And a Q plus plus plus is still not on a par With that curious creature the splendid Q star You still get a Q but you get something better The professor takes time to drop you a letter A small consolation that you weren't quite up to snuff though better than most you weren't good enough to be granted an H the most wondrous of all hoped for in spring and prayed for in fall But these grades are strange really, what can you do when one prof gives forty and yours just gives two So don't worry about grades it just doesn't pay no matter what happens you won't get an A!

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